

REMARKSSupport for the Amendments

Support for the amendment to claim 132 is found in claims 136, 137, 138 and 141, and in the specification. SEQ ID NOs 151 and 152 are epidermal growth factor-like (EGF-L) domains shown in Fig. 35; SEQ ID NOs 154-159 are EGF-L domains shown in Figs. 38-43; SEQ ID NO 188 is encoded by the human coding segments C-C/D in Fig. 31; SEQ ID NO 189 is encoded by the human coding segments C-C/D'-D shown in Fig. 31; and SEQ ID NO 190 is encoded by the human coding segments C-C/D' in Fig. 31 and is shown as amino acids 362-411 of SEQ ID NO 170 in Fig. 45A-D. Claim 138 was amended to remove reference to SEQ ID NO 190, which encodes the same amino acid sequence as SEQ ID NO 152. Support for new claims 142 and 143 is found in now cancelled claims 139 and 140, respectively. Applicants reserve the right to pursue cancelled subject matter in this or future related applications. No new matter is added by any of the above amendments.

Summary of the Office Action

Claims 132 and 136-141 are pending in the application. All claims stand rejected under the judicially-created doctrine of obviousness type double patenting, as being unpatentable over claims 1-2 of U.S. Pat. No. 5,602,096 (hereinafter "the '096 patent"). Claims 132 and 139-140 stand rejected under 35 U.S.C § 112, first paragraph. These

rejections are addressed by the foregoing amendments and the following remarks.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 132 and 139-140 stand rejected for lack of enablement based on the assertion that the scope of the claims directed to the use of glial growth factors having a certain receptor binding activity or encoded by a certain gene are too broad. However, the Examiner notes, in paragraph 4, that methods directed to the use of polypeptides comprising the SEQ ID NO of an active GGF domain are enabled.

Applicants note for the record that they disagree with the basis for this rejection. However, in order to speed prosecution of this case, applicants have cancelled claims 139 and 140 and have amended claim 132 to recite glial growth factors having specific epidermal growth factor-like domains. These domains are described in the specification and are also recited in pending claims 136-138 and 141. New claims 142 and 143 depend on claim 132. Therefore, the new claims are also limited to the designated sequences. In view of these amendments, this rejection may now be withdrawn.

Obviousness Type Double Patenting

All claims stand rejected for obviousness type double patenting over claims 1 and 2 of the '096 patent. In the event that the pending claims are found to be otherwise allowable, applicants request that the Examiner contact the undersigned who will then

seek authorization for a terminal disclaimer.

CONCLUSION

Applicants submit that the claims are now in condition for allowance, and such action is respectfully requested. Enclosed is a petition to extend the period for replying for three months, to and including January 21, 2000.

Applicants note that an IDS and form 1449 were filed July 14, 1997 and request that the initialled form 1449 be returned.

If there are any additional charges, or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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